



## Conduct, Behavior & Discipline

### STUDENT CONDUCT (J-2300)

The Superintendent will establish regulations governing the conduct of students in school, traveling to and from school, at school functions, or affecting the school order. In establishing these regulations, the Superintendent may consult with parents, students and staff committees. In addition to compliance with regulations established by the Superintendent, students are expected to obey all rules and regulations adopted by the Board, and to obey any order given by a member of the faculty or staff relating to school activities.

A student shall be defined as any person who is enrolled in an educational program provided by or approved by the District and carried on in premises owned or controlled by the District. Students shall not engage in improper behavior, including but not limited to the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of the District, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Cell phone use is prohibited while classes are in session.
- Skateboarding, Rollerblading and Bicycling on school property.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- Unlawful use, possession, distribution, or sale of tobacco, alcohol, or drugs or other illegal contraband on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the District and that, under the circumstances, has no redeeming social value.
- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.
- Violation of District rules and regulations.
- Engaging in any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited

herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that the District presently dispenses.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property.

The authority of the Superintendent to establish regulations covering students may be delegated to principals for their individual schools.

#### **CARE OF SCHOOL PROPERTY BY STUDENTS (J-2400)**

Each student is expected to take pride in the physical appearance of the school. Teachers and students should be observant at all times to prevent damage or destruction of school property. Any marking or marring of school property should be reported to the office at once.

No student shall damage or deface any property belonging to the District. The type of discipline that may be imposed for damage to school property by students depends upon the circumstances. A school may withhold the grades, diploma and transcripts of a student responsible for damage or loss of school library or instructional material until the parent, guardian or student has paid for the damage or loss. Students may be subject to discipline for willful damage or destruction of school property.

If any minors engage in conduct that results in damage to District property, the District may institute formal charges for the purpose of having the court order the minors, or their parents, to make full or partial restitution to the District in accordance with law.

#### **STUDENT CONDUCT ON SCHOOL BUSES (E-2450 / J-2450)**

Students are required to conduct themselves in the bus, prior to boarding the bus, and subsequent to leaving the bus in a manner consistent with established standards for classroom behavior. When a student fails to practice proper conduct, the bus driver will inform the principal of the misconduct, which may then be brought to the attention of the parents. Students who become serious disciplinary problems related to school transportation may have their riding privileges suspended. In such cases, the parents of the students involved become responsible for seeing that their children get to and from school safely. The principal is the only person authorized to suspend riding privileges. Students riding on special-activity buses are under the direct supervision of the bus driver in cooperation with sponsor(s). Students who do not conduct themselves properly will be denied the privilege of riding on special-activity buses.



### **BUS TRANSPORTATION RULES & NOTIFICATIONS**

It is understood by all parties that the student will abide by the following rules and regulations regarding bus transportation privileges and responsibilities:

1. Students WILL adhere to the rules and regulations set forth by the bus driver. The bus driver has the same authority as the teacher when riding bus.
2. The use of profanity WILL NOT be allowed on the bus.
3. The bus driver is authorized to assign seats, all passengers are expected to abide by such and will be responsible for their assigned seat.
4. Students must stay in their seats when the bus is in motion; students MUST NOT extend their hands, arms, or bodies out of the bus at any time.
5. Students MUST cooperate in keeping the bus clean. Eating or drinking on the bus will only be allowed at the discretion of the bus driver.
6. The use of tobacco, narcotics, or alcoholic beverages SHALL NOT be permitted in the bus. Students who are under the influence of any of the above substances are not allowed to ride the bus.
7. Students WILL NOT be permitted to leave the bus on the way to and from school except at their regularly assigned stop. In case of any emergency, the student must obtain a school issued bus pass from the office signed by a school administrator. **BUS PASSES ARE ISSUED FOR EMERGENCIES ONLY! BUS PASSES ARE GRANTED AND HONORED IF SPACE IS AVAILABLE. THE DRIVER HAS DISCRETION TO REFUSE TRANSPORTATION IF SUFFICIENT SPACE IS UNAVAILABLE.**
8. The following are NOT permitted in the bus: animals, firearms, explosives, breakable glass items or knives.
9. Students whose presence poses a threat to other passengers on the bus will lose his/her riding privileges immediately.
10. Students who DO NOT obey the above rules and regulations WILL have their transportation privileges suspended for a maximum of not less than three school days for the first offense. On the second offense, a parental meeting may be required before privileges are restored. During this time, the student WILL NOT be allowed to ride any other school bus to and from school. Progressive discipline will be followed in administering bus discipline consequences.
11. [Students are required to be waiting at the bus stop 10-15 minutes before the scheduled pick-up time.](#)

**Video Notification:** Espanola Public School Transportation Department utilizes video cameras on school buses. Video recording is enabled automatically on each bus to help deter incidents that may occur. Video tapes are randomly viewed by district personnel as a monitoring tool, unless an incident occurs where the video tape will be used as documentation for related incidents.

**Bus Stop Notification:** An adult is required to be at the stop to pick up **Kindergarten** students, or the student will be returned to their school. All other students, grades 1-6 may be dropped off at their assigned stops without an adult present. If a parent of a student in grades 1-6 does not want their child to be left at the stop without an adult present, they must notify the district, school, and transportation department by indicating so on the annual transportation services permission and contract form.

**OFFENSIVE CONDUCT: Bullying, Cyber Bullying, Harassment, Hazing, Intimidation, and Violence Prevention (J-2500)**

**Purpose:** The Española Public School (EPS) District believes that no members of the school community including students, staff, parents, community members and visitors should be faced with intimidation or threats at school and no EPS school shall tolerate offensive conduct. EPS shall foster a safe, respectful and fear free environment for all members of the school community. EPS recognizes that offensive conduct, including bullying, cyber-bullying, harassment, hazing, intimidation, and violence are detrimental to student learning, achievement and well-being. Offensive conduct interferes with the well-being and education of students and disrupts the operation of the schools. Such offensive conduct affects not only persons who are the intended victims of the offensive conduct but also any individuals who may participate and witness offensive conduct.

The Española Public Schools Superintendent shall ensure that the District health and wellness education programs address offensive conduct and related issues relative to this policy. This policy is intended to provide direct compliance with New Mexico Administrative Code 6.12.7.7.

***Definitions of Offensive Conduct***

"Bullying" is defined as any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, which is intended to cause distress upon one or more individuals in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation (also referred to as the protected class). 6.12.7.7(A) NMAC-2006.

"Cyberbullying" is defined as an electronic communication transmitted that takes place over an electronic device (including but not limited to phones, watch devices, computers or social media applications) that targets, harasses or intimidates a specific student(s); is published with the intention that the communication be seen by or disclosed to the targeted student(s); and creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, performance or social emotional well-being. It may also be disruptive to the school environment for staff and community members. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or offensive content about someone else. It can include sharing personal or private information about someone causing embarrassment or humiliation. Cyberbullying may be considered unlawful or criminal behavior.

"Sexting" is defined as the act of sending receiving, forwarding, viewing, or reading any sexually explicit images, text, messages, photo messages, video messages, or voice messages via electronic device, computer or other digital device. Sexting includes messages, photos, and images being further disseminated through email and internet-based social networking websites well beyond their original intended recipients. The images can depict real images or animation under this definition.

"Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. 6.12.7.7 NMAC (2006) Harassment includes but is not limited to:

- verbal acts, teasing, gossiping, use of sarcasm, jokes;
- "name calling" means the chronic, habitual or recurring use of the names or comments to or about a student, as well as any verbal or physical gestures, regarding the student's actual or perceived physical or personal characteristics which are unwelcome, inappropriate, or offensive by their nature;
- Belittling;
- Nonverbal behavior such as gestures, graphic or written statements;
- Conduct that is physically threatening, harmful or humiliating; or
- Has the purpose or effect of creating an intimidating, hostile, or offensive environment.
- "Sexual Harassment" means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical).
- "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization. Hazing includes but is not limited to:
  - Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing harmful substance on or in the body.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subject a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving the consumption of an alcoholic beverage, drug, tobacco product, or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, so that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from attending or remaining in school.
- Any activity that causes or require the student to perform a task that involves a violation of state or federal law, or District policies.
- Students who engage in hazing activities will be subject to immediate disciplinary action in accordance with the District Code of Conduct.

"Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law and is highly offensive to a reasonable person. Intimidation may force a person into, or deter them from, some action by inducing fear.

"Violence" is aggressive behavior that may be physically, sexually, or emotionally abusive. An individual or a group against another conducts the aggressive behavior. Physically abusive behavior is where a person or group directly or indirectly mistreats, injures, or kills another. The aggressive behavior can involve pushing,

shoving, and shaking, punching, kicking, squeezing, burning or any other form of physical assault on a person or on property.

**Prohibitions:** Española Public Schools absolutely prohibits and will not tolerate offensive conduct including bullying, cyber-bullying, harassment, hazing, intimidation, and violence, criminal acts, threats, and other target-based misconduct that creates an offensive environment for students and staff regardless of motive or reason.

**Reporting:** Any licensed school employee who has information about or has a reasonable suspicion of offensive conduct shall report offensive conduct towards any member of the school community to the school principal, assistant principal, counselor, or office of Human Resources in writing.

**Extensive Dissemination and Review:** Española Public Schools will print this policy in student and employee handbooks. It will also be made available to all students, parents, teachers, administrators and all other school or District employees on the District website and electronically per the New Mexico School Boards Association (NMSBA) Online Policy Portal. Additionally, Espanola Public Schools will ensure that an Offensive Conduct Policy notification form is part of the annual registration process, ensuring that all students and parents review annually. All licensed school employees will undergo initial and periodic follow up training on how to recognize signs of bullying and offensive conduct. Espanola Public Schools will ensure that the offensive conduct policy is reviewed with staff, including substitutes as part of the New Staff Orientation training. Administrators will also review this policy with students and staff at the beginning of each school year.

**Confidentiality:** The identities of those reporting violations and/or those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirement of a full and fair investigation, the due process rights of persons charged with violations and state and federal law.

**False Reports:** Consequences for knowingly making false reports pursuant to the offensive conduct policy will follow approved student discipline policies and procedures. In addition, appropriate measures will be taken to protect reporters, witnesses, and or targets of bullying from retaliation.

**Discipline:** Any student who is found to have engaged in conduct prohibited by this policy shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitation imposed by state and federal disabilities law.

**Investigation:** Any administrator or local superintendent who receives a report of offensive conduct shall take immediate steps to ensure prompt investigation of the report; and school administrators take prompt disciplinary action in response to offensive conduct confirmed through investigation; disciplinary action taken pursuant to this subsection must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed offensive conduct and may include mediation, counseling and disciplinary action that is consistent with the legal rights of the involved students or staff.

Española Public Schools acknowledges that bullying disproportionately affects lesbian, gay, bisexual, and transgender (LGBT) students. It is important to build a safe environment for all youth, whether they are heterosexual ("straight") or LGBT. All youth can thrive when they feel supported. Parents, schools, and communities can all play a role in helping LGBT youth feel physically and emotionally safe by:

- building strong connections and keeping the lines of communication open. Some LGBT youth often feel rejected. It is important for them to know that their families, friends, schools, and communities support them.
- establishing a safe environment at school. Schools can send a message that no one should be treated differently because they are, or are perceived to be, LGBT. Sexual orientation and gender identity protection can be added to school policies.
- creating gay-straight alliances (GSAs). GSAs help create safer schools. Schools must allow these groups if they have other "non-curricular" clubs or groups. Learn more about the right to form a GSA under the Equal Access Act.
- protecting privacy. Do not disclose someone's sexual orientation if they do not want it to be known.

EPS will implement educational prevention programs to include discussions on the disproportionate impact of bullying on persons with disabilities, racial minorities and Lesbian, Gay, Bisexual, and Transgender (LGBT) persons as part of our school health program.

#### **SECRET SOCIETIES / GANG ACTIVITY (J-2900/J-2911)**

For the purpose of District policy, a gang is a group of three (3) or more people who:

- Interact together to the exclusion of others;
- Claim a territory or area;
- Have a name;
- Have rivals/enemies; and
- Exhibit antisocial behavior - often associated with crime or a threat to the community.

The type of dress, apparel, activities, acts, behavior or manner, or grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to believe that such behavior, apparel, activities, acts, or other attributes are gang related or would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, staff members, or other employees.
- Create an atmosphere in which the well-being of a student, staff member, or other person is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, or emblem upon any school or personal property or on one's person.

Any student wearing, carrying, or displaying gang paraphernalia and/or exhibiting behavior or gestures that symbolize gang membership, or causing and/or participating in activities that intimidate or adversely affect

the educational activities of another student, or the orderly operation of the schools, shall be subject to disciplinary action.

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or property on school grounds or disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of dress or grooming that, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies membership or affiliation with such a group is prohibited because of the disruption to educational activities that results from such activities or dress. It is the District's position that such activities and dress also present a clear and present danger to other District students and to District staff members.

Any activity involving an initiation, hazing, intimidation, assault, or other activity related to group affiliation that is likely to cause or does cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students or others is prohibited. If the student's dress is in violation of this regulation or a District policy, the principal will ask the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction. The principal will coordinate with law enforcement regarding the latest gang signs, symbols and actions to maintain consideration for constitutionally permitted activities and speech.

#### **HAZING (J-2950)**

The Board of Education finds that the practice known as "hazing" is dangerous to the physical and psychological welfare of students and shall be prohibited in all school activities.

**Definition** - Hazing includes but is not limited to: committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization. Hazing also includes, but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing harmful substance on or in the body.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subject a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving the consumption of an alcoholic beverage, drug, tobacco product, or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, so that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from attending or remaining in school.
- Any activity that causes or require the student to perform a task that involves a violation of state or federal law, or District policies.
- Students who engage in hazing activities will be subject to immediate disciplinary action in accordance with the District Code of Conduct.



**Prohibition** - Hazing is prohibited in all of the Española Public Schools, whether on or off school property, and whether during or outside school hours.

**Enforcement and Reporting** - School officials, employees, and volunteers:

- shall not permit or tolerate hazing;
- shall intervene to stop hazing that is threatened, found, or reasonably known or suspected to be occurring, and
- shall report known or suspected hazing to the school administration or the Superintendent.

Any student who believes he or she has been the victim of hazing shall report the matter to the school administration or to the Superintendent. Any administrator that receives a report of hazing under this section shall provide written notice to the Superintendent setting forth the report and the administrator's proposed plan of investigation.

**Investigation** - All reports of hazing shall be investigated by the school administrator or designee. Where violations of criminal law may have occurred, the administrator shall notify the appropriate law enforcement agency.

Upon completion of the investigation, the administrator shall submit a written report on the investigation and the results to the Superintendent.

#### **TOBACCO USE BY STUDENTS / SMOKING (J-3000)**

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Transportation pick up areas.
- Off-campus school-sponsored events.

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. Notice of this policy shall be made a part of the student handbook and a listing of prohibited items will be included in a Tobacco, Drug and Alcohol Free School notice posted at the entrance to school buildings and athletic events.

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties may include, but are not limited to, suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

All District employees are expected to cooperate in the enforcement of this policy. Student violations shall be reported to administrative personnel.

No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce this policy.

EXCEPTION: Lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration shall be permitted by students following district policies for student self-administration of medications.

#### **DRUG AND ALCOHOL USE BY STUDENTS (J-3050)**

The nonmedical use, possession, distribution, delivery or sale of drugs or counterfeit substances on school property or at school events is prohibited. Nonmedical is defined as "a purpose other than the prevention, treatment, or cure of an illness or disabling condition" consistent with accepted practices of the medical profession.

Students in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law. Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations. For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants.

Any student who violates the above may be subject to warning, reprimand, probation, suspension, or expulsion, in addition to other civil and criminal prosecution.

#### **WEAPONS IN SCHOOL (J-3100)**

No student shall carry or possess a weapon or simulated weapon on school premises without authorization by a school administrator. No student shall use or threaten to use a weapon or simulated weapon to disrupt any activity of the District.

Any employee who observes any person in possession of a weapon or simulated weapon on school premises shall immediately report the matter to the school administrator. A school administrator who observes or receives a report of a student possessing a weapon on school premises shall immediately take appropriate

safety and disciplinary actions in accordance with District policies and shall immediately report a violation of this policy to a peace officer.

A student who violates this policy by carrying or possessing a firearm shall be placed in an alternative education program for a period of not less than one (1) year, suspended for a period of not less than one (1) year, or expelled and not be readmitted within a one-year period, if ever. The Superintendent may modify the one-year duration of such disciplinary action on a case-by-case basis.

A student who violates this policy by any means other than carrying or possessing a firearm shall be subject to disciplinary action, including but not limited to expulsion. Disciplinary action against a student with one (1) or more disabilities shall be applied on a case-by-case basis in accordance with District policies and state and federal special education laws. For the purposes of this policy:

- Weapon means any of the following:
  - A firearm.
  - A knife, other than a folding pocket knife with a blade length of not more than two and one-half inches (2 1/2") that cannot be locked in an open position.
  - A destructive device.
  - A dangerous instrument.
- Simulated weapon means an instrument displayed or represented as a weapon.
- Firearm means any of the following:
  - Any loaded or unloaded gun that will, that is designed to, or that may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such firearm.
  - Any firearm muffler or silencer.
  - Any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive charge of more than one-fourth (1/4) ounce, mine, or similar device.
  - Any combination of parts that could be readily assembled to form a firearm.
- Destructive device means:
  - Any device other than a firearm that will, or is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB/pellet gun, slingshot, bow, or crossbow.
  - Any collection of parts that could be readily assembled to form a destructive device.
- Dangerous instrument means anything other than a firearm, knife, or destructive device that is carried or possessed by a student for the purpose of being used or being available for use to cause death or inflict serious physical injury.
- School premises means the school, school grounds, school buses, or any premises, grounds, or vehicles used for school purposes and includes premises where school-sponsored events (for example, athletic games and competitions, music competitions, etc.) are held away from District property.
- Deadly weapon means any weapon designed for lethal use, including a firearm.

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**STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS (J-3400)**

***Interviews***

A parent may be present during an interview except when interviews are conducted pursuant to a report of child abuse and the interview is by a Children, Youth, and Family Department worker or a peace officer.

Except in child abuse and abandonment situations, should a peace officer appear on campus requesting to interview a student attending the school, the school administrator shall be notified and the school office shall contact the student's parent(s). The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence. If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.

If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure parents have been notified that a student has been taken into custody. The personnel of the District shall cooperate fully with the police.

***Searches***

School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

***Notice of search policy.*** Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

***Who may search.*** Certificated school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. An authorized person who is conducting a search may request the assistance of some other person, who upon consent becomes an authorized person for the purpose of that search only.

***When search permissible.*** Unless Local School Board policy provides otherwise, an authorized person may conduct a search when he or she has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when he or she has reasonable cause to believe that a search is necessary to help maintain school discipline.

***Conduct of searches; witnesses.*** The following requirements govern the conduct of permissible searches by authorized persons:

- School property, including lockers and school buses, may be searched with or without students present unless a local school board or administrative authority provides otherwise. When students are not

present for locker searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.

- Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in accordance with the requirements for locker searches.
- Physical searches of a student's person may be conducted only by an authorized person who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex and the nature of the infraction.

**Seizure of items.** Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

**Notification of law enforcement authorities.** Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred.

Items provided by the District for storage (e.g., lockers, desks) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, etc., may be inspected at any time with or without reason, or with or without notice, by school personnel.)

### **Arrest**

When a peace officer enters a campus and indicates an intent to take a student into custody or arrest a student, the office staff shall request the peace officer to establish proper identification, complete, and sign a "Form for Signature of Arresting Officer." The school staff shall cooperate with the officer in locating the child within the school. School officials may respond to parental inquiries about the arrest or may contact the parents, if necessary, to explain the relinquishment of custody by the school and the location of the student, if known.



### STUDENT DISCIPLINE (J-4600/J-4611)

Parents, school personnel and students shall be involved in the development of policies, and public hearings before the Board shall be held during the formulation of these policies in the high school attendance areas within each district or on a district-wide basis for those districts that have no high school. The Superintendent shall prepare and recommend the final format of discipline policies and develop procedures for the discipline of students that comply with state laws and regulations. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity and may be imposed if the student's behavior affects the school order. When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

Information concerning a student's disciplinary record will be held in the strictest confidence. Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

The following are prohibited activities:

- Criminal or delinquent acts;
- Gang related activity;
- Sexual harassment
- Disruptive conduct;
- Refusal to identify self; and
- Refusal to cooperate with school personnel.

A student may be subject to disciplinary action when the student engages in the above or those below:

- Engages in conduct that is disorderly, i.e., intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, by:
  - Fighting or engaging in violent behavior.
  - Making unreasonable noise.
  - Using abusive or obscene language or gestures.
  - Obstructing vehicular or pedestrian traffic.
  - Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- Engages in conduct that is insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator, or other school employee in charge of the student.
- Endangers the safety, morals, health, or welfare of others by any act, including but not limited to:
  - Selling, distributing, using, or possessing alcohol, drugs, or other controlled substances or drug paraphernalia.
  - Selling, distributing, using, or possessing weapons, fireworks, or other dangerous instruments or contraband.
  - Selling, using, or possessing obscene materials.
  - Using profane, vulgar, or abusive language (including ethnic slurs).

- Gambling.
- Hazing.
- Engaging in lewd behavior.
- Engages in any of the following forms of academic misconduct:
  - Lateness for, missing, or leaving school or class without permission or excuse.
  - Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion).
  - Plagiarism.
- Engages in conduct violative of the Board's rules and regulations for the maintenance of public order on school property.
- Has a record of excessive absenteeism.
- Is believed to have or actually has committed a crime.

Reasonableness of use of physical force in self-defense, defense of others, and defense of property will be considered as a mitigating factor in determining penalties for misconduct. The threat or use of physical force by a student is not reasonable (i) when made in response to verbal provocation alone, (ii) when assistance from a school staff member is a reasonable alternative, or (iii) when the degree of physical force used is disproportionate to the circumstances or exceeds that necessary to avoid injury to oneself or to others or to preserve property at risk.

The following acts may result in long-term suspension, expulsion, or placement in an alternative educational setting:

- Possession of alcoholic beverages, narcotics or controlled substances;
- Serious, continued, documented misbehavior/\*habitually disruptive;
- Serious vandalism of District property or any personal property on District property over the total value of one thousand dollars (\$1,000) including the cost of repair or replacement;
- Serious, continued fighting or threatening bodily injury to others; and
- Open and persistent defiance of District personnel, volunteers or visitors.

[\*Declaration as a habitually disruptive student for which long-term suspension shall be mandatory. For purposes of this section, "habitually disruptive student" means a child who caused a disruption in the classroom, on school grounds, in school during vehicles, or at school activities or events, which resulted in five (5) suspensions during the school year because of behavior, which was initiated, willful and overt on the part of the child, and required the attention of school personnel to deal with the disruption. No child shall be declared to be an "habitually disruptive student" prior to the development of a remedial discipline plan for such child in accordance with the conduct and discipline code of the District.]

### ***Alternative Educational Program***

As an alternative to suspension or expulsion, the Española Public School District may reassign any student to an alternative education program.

The school site administrator may recommend to the Superintendent or the Superintendent's designee of the School District the placement of a student in an alternative educational program.

For the purposes of this section, "alternative educational program" means the modification of the school course of study and adoption of teaching methods, materials and techniques to provide education for those students in grades six (6) through twelve (12) as an alternative to suspension or expulsion.

### ***Permissible Penalties***

Depending upon the nature of the violation, student discipline may be progressive, i.e., generally, a student's first violation should merit a lighter penalty than subsequent violations. A District employee or agent should take into account all other relevant factors in determining an appropriate penalty. The penalties may be imposed either alone or in combination.

The range of penalties that may be imposed for violations of student discipline rules include, but are not limited to, the following:

- Verbal warning.
- Written warning.
- Written notification to parents.
- Probation.
- Detention.
- Corporal punishment.
- Suspension from transportation.
- Suspension from athletic participation.
- Suspension from social or extracurricular activities.
- Suspension of other privileges.
- Exclusion from a particular class.
- In-school suspension.
- Involuntary transfer.
- Community service.
- Suspension.
- Expulsion.

### ***Student Disciplinary Proceeding***

Any teacher, administrator, Board member, parent, or other person may report a violation of student disciplinary rules to an administrator. The administrator will then make an investigation of the charges as deemed appropriate and will institute appropriate proceedings.

This information for the maintenance of public order on school property will be publicized and explained to all students and provided in writing to parents as requested. In order to promote effectiveness of student discipline, the assistance of parents in enforcing rules for student discipline shall be invited and encouraged.



### ***Involving Staff Members***

The principal is responsible for involving staff members of the school in the development of a positive plan for student discipline. All staff members are responsible for implementing the plan of student discipline for the school.

### **STUDENT DISCIPLINE - RECORDS (J-4631)**

Each principal shall establish and retain complete records of student disciplinary actions and procedures. Records regarding student disciplinary actions shall be retained for at least two (2) years after last attendance date.

The accounting for students subject to disciplinary action on discipline record card shall contain an entry of:

- The full name of the student.
- The racial/ethnic and sex designations of the student.
- The time, place, and date of the offense or offenses, or observed behavior.
- Descriptions and dates of other offenses or observed behaviors if not previously reported.
- The names of witnesses or others involved.
- Specific measures taken by person or persons reporting the offense or offenses to effect an adjustment, including the specialized help secured before referral, such as conferences with parents, conferences with the principal, and conferences with other school personnel.
- The name and title of the person or persons reporting the offense or offenses.
- The alternatives, if any, that were considered prior to the imposition of the disciplinary action taken by the principal.
- The final disposition of the case.
- The name and title of the person or persons imposing the action or actions.
- The kinds of disciplinary actions for which an accounting should be kept shall include, but not be limited to:
  - Suspensions and/or expulsion.
  - Corporal punishment.
  - Placement in detention (for disciplinary reasons).
  - Transfer to another class (for disciplinary reasons).
  - Transfer to another school (for disciplinary reasons).
  - Referrals of cases to police and juvenile authorities.
  - Others as required.
- The building principal shall have the responsibility of maintaining the necessary discipline records to include:
  - Discipline record card (each reported incident). Student discipline list (cumulative).
  - Log of corporal punishments (each incident).
  - Summary of corporal punishments: monthly report, retained by the principal; yearly summary, copy to the District office.
  - Log of suspensions (cumulative).

- Summary of suspensions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of expulsions and referrals to courts (cumulative).
- Log of Board expulsions (each incident).
- Summary of expulsions: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of student withdrawals (cumulative).
- Summary of withdrawals: monthly report, retained by the principal; yearly summary, copy to the District office.
- Log of dropouts (cumulative).

All monthly summary forms shall be completed at the close of each attendance month.

### STUDENT DISCIPLINE (J-4632)

#### A GUIDE TO DISCIPLINARY ACTIONS

Displayed below is a guide to the probable disciplinary measures that may be taken in the event of student misbehavior. Absence from the list of additional misbehaviors that may occur does not preclude disciplinary action from being taken on those misbehaviors, nor does it imply limitations to the disciplinary action.

The actual discipline determined for a given violation will be based upon consideration of a variety of factors, which will include, but are not necessarily limited to, the following elements: the age of the student; the frequency, type, and magnitude of previous misbehaviors by the student; aggravating circumstances associated with the incident; the relative severity of the event; whether the student's behavior violated civil or criminal laws; the degree to which the incident interferes with the educational process; the extent of endangerment to the student, other persons, and property created by the event; special intellectual, psychological, emotional, environmental, and physical characteristics of the student; the student's attitude concerning the event; and the expressed intent concerning the student's own future behavior.

***\*\*\* See Code of Conduct Policy Addendum Attachment for definitions and levels of infractions.***

### DETENTION OF STUDENTS (J-4700/J-4711)

Reasonable detention during break-time, noon, or at the close of the school day is permitted following appropriate minimal due process. Detention outside of school time may be invoked with appropriate consideration given to student transportation, weather, and other extenuating circumstances. However, a student shall not be denied the privilege of eating or use of the rest room during detention periods.

Teachers may keep students after school hours for disciplinary reasons. The names of students to be kept after school hours will be reported to the school office prior to the time of detention. Students may be kept after school hours only if prior notice has been given to their parents.



## STUDENT SUSPENSION / EXPULSION (J-4850)

The authority to suspend a student for up to five (5) days without permission of the Superintendent and ten (10) days with the Superintendents permission, after an informal hearing is held, rests with the school administrator or principal. If a danger to students or staff members is present, the principal may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. A student may be removed from contact with other students as a temporary measure but shall be reinstated by the next school day unless short-term suspension is imposed.

In all cases, except summary suspension where a danger to students or staff is evident, the student shall remain in school until applicable due process procedures are instituted. In no instance shall students be released early from school unless parents have been notified.

The Superintendent may designate a hearing officer for suspension/expulsion hearings.

### **Regular Education Students**

#### ***Suspension for ten days or less:***

- **Step 1:** The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
  - After having received notice, the student will be asked for an explanation of the situation.
  - The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.
  
- **Step 2:** Following Step 1:
  - Provided that a written record of the action taken is kept on file, authorized District personnel may:
    - Suspend the student for up to ten (10) days.
    - Choose other disciplinary alternatives.
    - Exonerate the student.
    - Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
  - When suspension is involved:
    - A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
    - A letter to the parents will be written and mailed by the day after the short-term suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
  - No appeal is available from a short-term suspension.

#### ***Suspension for over ten days or expulsion:***



- **Step 3:** If the offense is one that could result in a suspension of over ten (10) days or expulsion, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer appointed by the Superintendent. The appointed person (hearing authority) shall have no direct connection to the act or acts, person alleged to have perpetrated the acts, nor be an administrator of the school in which the acts took place.
  
- **Step 4:** A formal letter addressed to the student through the responsible parent or guardian will be delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing or mailed at least eight (8) days prior to the formal hearing date (mailed documents are assumed received in three [3] days). The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parents. A copy of this letter will remain on file, and the letter should contain the following information:
  - The charges and the rule or regulation violated.
  - The extent of the punishment to be considered.
  - The date, time, and place of the formal hearing.
  - A request for the parents and student to attend.
  - The hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty.
  - Failure of the student or parent to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default.
  - A designation of the District's witnesses.
  - That the student may present witnesses.
  - That the student may be represented by counsel or a representative designated in a written notice filed at least seventy-two (72) hours prior to the hearing date with the hearing officer or administrator.
  - The name, business address and telephone of the hearing authority or contact person through whom the student, parent or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing.
  - That the conduct of the hearing will be informal, not adhering to the rules of evidence.
  
- **Step 5:** A formal hearing will be held, during which the student will be informed of the following:
  - Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
  - The student is entitled to a statement of the charges and the rule(s) or regulation(s) violated.
  - The student may be represented by counsel, without prejudice.
  - The student may present witnesses.

- The student or counsel may cross-examine witnesses presented by the District.
  - The District has the right to cross-examine witnesses, and may be represented by an attorney.
  - The burden of proof of the offense lies with the District by a preponderance of the evidence.
  - Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
- **Step 6:** The following will be the result of the hearing:
    - Upon the conclusion of a hearing by a hearing authority, the decision by the hearing officer may be given but shall be provided, in writing, within five (5) days to the student and parents. If initial notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.
    - Upon the conclusion of a hearing and notice that an act or acts of misconduct have been proved, the discipline proposed or a lesser form of discipline as determined by the recommending administrator shall be imposed by the disciplinarian. The action may take place immediately upon the hearing officer's determination and informing of the student and parents. If the disciplinary action imposes any sanction it shall go into effect immediately and continue during any subsequent review.

### ***Alternative to Suspension or Expulsion***

Students meeting the following requirements may participate in an alternative to suspension program described below at the determination of the Superintendent:

- Suspension from school has been determined as the punishment for an offense.
- The student has not served more than one (1) short-term suspension or alternative to suspension of ten (10) days or less during the current academic year.
- The student has admitted to or taken responsibility for the act upon which suspension was imposed in a written statement signed by the student and attested to by the student's parent or guardian.
- The student and parent or guardian has received a written admonition that the suspension as originally determined will be imposed summarily and in its entirety should the student violate the conditions or requirements of the Alternative to Suspension Program. (Note: Follow appropriate dismissal procedures.)
- Parent(s) or guardian(s) shall agree to participate by:
  - Providing transportation if necessary to and from the program location.
  - Establishing and monitoring in consultation with the school a supervisory routine limiting the student's contact to that which is necessary with other students and friends during the program.

The Alternative to Suspension or Expulsion Program is to be one of social isolation. It shall be discipline intensive, requiring academic work and as determined may involve community service, groundskeeping, and litter control. Parents will participate by providing support and supervision.

- Students will be isolated from others by means of barriers or distance at a location determined by the District. No participation in any school sponsored activity will be permitted during the program.
- Communication by students with others will be limited to adult District staff or as directed by the adult supervisor on duty.
- Ordered study time will be established for each student consistent with the number of classes in which the student is enrolled, divided proportionately through the academic day.
- Students are confined to their assigned areas and seats except as designated by the supervisor. All personal maintenance will be planned and approved by the supervisor.
  - Students are to bring all books, workbooks, paper and necessary instruments for each class in which they are enrolled to the program daily and take the same material home each day of the program.
  - Protocols for implementation of the Alternative to Suspension or Expulsion Program following the requirements above may be established by the administrator at each location.

#### **Appeal Procedure**

- Upon the conclusion of a hearing where determination that an act or acts of misconduct were proven, notice to the student and parents was given and discipline imposed, a review may be requested if the penalty imposed was at least as severe as a long-term suspension or expulsion, an alternative education program exceeding one school semester or a denial or restriction of student privileges for one semester or longer. To arrange such an appeal, the parent(s) of the student or the student must deliver to the Superintendent a letter directed to the review hearing authority within ten (10) days after receiving written notice of the determination. The letter must describe in detail any objections to the hearing or the decision rendered. Failure to meet the dates or provide the written requirement will result in rejection of the request.
- The appeal to the review hearing authority will be on the record of the hearing held by the hearing officer and no later than fifteen (15) days following the request being received. If the review hearing authority determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the review hearing authority determines that the punishment was not reasonable, they may modify the punishment. The review hearing authority may uphold the hearing officer if no substantive errors in procedure are noted.
- All deliberations and decisions shall be held in closed session to avoid discussion of personally identifiable information in public.
- The review hearing authority shall prepare a written decision, including concise reasons in response to legitimate objections of the student or parent, and mail or deliver it to the administrator, the hearing officer and the student, through the parent, within ten (10) working days after the review is concluded. The decision of the review hearing authority is the final administrative review.

### ***Membership of Review Hearing Authority***

The Review Hearing Authority shall consist of three (3) members of the Board of Education.

### **Special Education Students**

#### ***Suspension for ten days or less.***

Short-term suspension (ten [10] days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. (It is not considered a change of placement.)

- **Step 1:** The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
  - After having received notice, the student will be asked for an explanation of the situation.
  - The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.
  
- **Step 2:** Following Step 1:
  - Provided that a written record of the action taken is kept on file, authorized District personnel may:
    - Suspend the student for up to ten (10) days.
    - Choose other disciplinary alternatives.
    - Exonerate the student.
    - Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
  - When suspension is involved:
    - A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
    - A letter to the parents will be written to the student in care of the parents by the day following the suspension to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
  - No appeal is available from a short-term suspension.

#### ***Suspension for over ten days.***

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

- **Step 3:** A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.

- **Step 4:** If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.
- **Step 5:** If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP; and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring. (Caution: refer to IDEA statutes and regulations before implementing the exception.)

### ***Expulsion***

A student qualified under the Individuals with Disabilities Education Act (IDEA) as revised in 1997 may not be expelled from school but in compliance with federal law and regulation may be given a change in placement. The Individualized Education Program Team generally determines a change in placement of an IDEA qualified student. During any change in placement, the School District must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's Individualized Education Programs.

A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 1997, may be suspended or expelled from school and education services may be ceased, if nondisabled students in similar circumstances do not continue to receive education services.

### **REMOVAL OF STUDENTS FROM SCHOOL - SPONSORED ACTIVITIES (J-4890)**

The principal of a school may remove a student from a school-sponsored activity if the principal determines that the student has violated a provision of the student discipline policies, rules, and/or regulations or if the



principal determines that such removal is in the best interest of the activity or in the best interest of the school as a whole.

The principal also may remove a student from a specific position, such as officer, editor, or captain of an activity, without removing the student from the entire activity.

The principal may remove a student pursuant to the preceding two (2) paragraphs, whether or not the student has been elected, appointed, or assigned to, or has volunteered for, the activity.

Before removing a student from an activity or position as a result of the student's violation of the student discipline policies, rules, and/or regulations, the principal must comply with the notice-and-hearing provisions of those policies, rules, and/or regulations.

Before removing a student from an activity or position for reasons other than a student's violation of the student discipline policies and/or regulations, the principal shall give written notice to the student. The notice shall include the reason or reasons for the removal and the date that the removal is to become effective. If the student disagrees with the principal's determination, the student may, within five (5) school days, request in writing a conference with the principal. The conference shall be held as soon as practicable after the principal receives the written request. At the conference, the student shall be given a full explanation of the reason or reasons for the action taken. The student shall be given an opportunity to present an explanation of the events relating to the action.

If, after the conference, the principal determines that the decision to remove the student from the activity or position is correct, the removal shall become effective on the date indicated in the principal's notice. If, after the conference, the principal determines that action of a less severe nature than removal is warranted, the principal may impose the less severe action. If, after the conference, the principal determines that neither removal nor less severe action is warranted, the prior decision to remove the student shall be rescinded.

For purposes of this policy, activity is defined as:

- Any school-sponsored athletic activity; or
- Any school-sponsored club; or
- Any school-sponsored organization such as yearbook, newspaper, student government, drama, music, honor society, or any other organization or class of a similar nature.

An activity includes activities as defined above, whether or not a student is receiving or may receive academic credit for the activity. The principal's determination shall be the final administrative action to which a student is entitled.